

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:07-CV-23-F

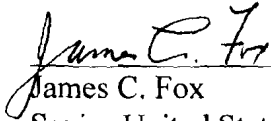
BENJAMIN CUMMINGS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
LENOIR COUNTY, et al.,	)	
	)	
Defendant.	)	

This matter is before the court *sua sponte*. On August 22, 2008, the Clerk of Court for the Eastern District of North Carolina issued a "Notice to Counsel of Failure to Make Service Within 120 Days" to the *pro se* Plaintiff in this case. That same day, the Clerk of Court mailed the Notice to the Plaintiff at the address he provided to the court. On September 15, 2008, the mail was returned to the Clerk of Court, and was marked as "not deliverable as address" and "unable to forward."

Pursuant Local Civil Rule 83.3, "[a]ll attorneys and *pro se* parties must notify the court within 10 days of a change of address. Failure to notify the court in a timely manner of an address change may result in dismissal of the action or the imposition of such other relief that the court deems just and proper." Plaintiff has failed to keep the court apprised of his current address, and also failed to make service within the proper time periods. Accordingly, this action is hereby DISMISSED, and the Clerk of Court is ORDERED to close this case.

SO ORDERED.

This the 19<sup>th</sup> day of September, 2008.

  
James C. Fox  
Senior United States District Judge